

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SOCIAL WELFARE DEPARTMENTWD – Caste Verification – Appeals Petition filed by Sri M.C. Thirumala Raju, S/o. Late N. Narasimhappa, Asst. National Insurance Company Limited –Anantapur – Filed under Section 7 of Act 16/1993, against the proceedings dt.31.12.2006 of the District Collector, Anantapur – Appeal Rejected – Orders – issued.

SOCIAL WELFARE (C.V.1) DEPARTMENT

G.O.Ms.No. 234

Dated:20 /12/2008:
Read the following:-

1. From the Collector, Anantapur Dist. Proc. No. MC3/232/01, dt.31.12.2006.
2. Appeal Petition from Sri MC. Thirumala Raju, S/o. Late N. Narasimhappa, Asst. National Insurance Company Ltd., Anantapur Dist., dt. 18.1.2007.
3. Govt. Memo. No. 569/CV.1/2007-1, dt. 27.1.2007.
4. From the Collector, Anantapur Lr.Rc.No.MC3/4021/07, dt. 18.6.07.

ORDER :

Sri M.C. Thirumala Raju, S/o. Late N. Narasimhappa, Asst. National Insurance Company Limited -Anantapur District has filed an appeal petition before Government against the Proceedings dt 31.12.2006. issued by the Collector & District Magistrate, Anantapur for cancellation of his Scheduled Caste ``Chaluvadi`` caste certificate and submitted the following grounds:-

- a) The order of the Collector, Anantapur Dist. has stated that they belongs to Boya (BC) community and where as they are belongs to ``Chalavadi (SC)`` from the MRO, Anantapur during the year 1986. Sri M.N. Thirumala Raju, has secured employment as Assistant in National Insurance Company Limited around 14 years back under SC Category and his colleagues from above said office mainly SC/ST employees who attended the marriage occasion of the individual's, younger brother of the appellant and they have noticed that several ``Boya`` community people were closely involved in the marriage related rituals. They have confidently enquired about the bride and bridegroom's details and astonished to know that both of them belongs to ``Boya`` community, but not SC community.
- b) The petitioner has further stated that the documentary evidence namely the educational certificates issued by various Govt. institutions right from his schooling to that of his teacher training course, wherein it is clearly recorded that the appellant has been treated as belonging to SC community from the inception. Sri M.C. Tirumala Raju, S/o. Late N. Narasimhappa, Asst. National Insurance Company Limited - Anantapur has enquired in this the DLSC findings the facts, the MRO, Anantapur has stated that the appellant was appointed as Assistant, NIC Ltd. under SC Category about 14 years back. The appellant father was migrated from Karnataka State. The MRO, Madakasira dt. 12.5.2006 stating that the Tahasildar Madhugiri, Tumkur Dist. Karnataka State has confirmed the caste of the appellant's mother as Nayaka under ST.
- c) The Petitioner has also stated that the Collector, Anantapur District informed that the third party affidavits from the residents of Pavugada Taluk and to utter surprise of the appellant, the Collector, Anantapur issued the impugned orders in his proceedings in Rc. No. MC3/232/01, dt. 31.12.2006 canceling the caste certificate dt. 15.1.1986 and a notification has been issued to the said effect. But the CDM, Anantapur just extracted the findings of the DSLC and issued the impugned order canceling the caste certificate issued to the appellant.

- d) It is further submitted that the appellant has been recognized as a member belonging to Chaluvada Community, ever since he was born, throughout his educational career and also his service. He has to maintain a large family consisting of his wife and school going children. The appellant has got a good case in the main appeal. If the impugned order is not suspended, pending the appeal, it results in his displacement from the employment in which event, he and his family members would suffer irreparable loss and hardship. The appellant has requested to suspend the operation of the impugned order pending the above appeal.
 - e) The appellant Sri M.N. Tirumala Raju, s/o. Late Sri M.N. Narasimhappa has migrates from other state and he can claim to belong to SC or ST only in relation to the State to which he originally belonged and not in respect of the State of A.P. The appellant does not actually belong to Chalavadi SC which figures both in the lists of Karnataka and A.P. The appellant father's community status has actually been entered as Hindu Boya in his service Register obtained from the Principal, Govt. Arts Collegae, Anantapur. In fact the appellant has deposed during the enquiry that his three sisters have been given in marriage to person belonging to Chalavadi/Nayak community (ST) in Karnataka State. It appears taken advantage of the similarity in the expression, Chalavada/Chaladi, but he is not originally, Chavaladi and he is originally, Boya (BC) Community.
2. The petitioners has finally requested the Government to consider his caste as ``Chalavadi (SC)'' employment as Assistant in National Insurance Company Limited around 14 years back under SC Category in Anantapur Dist.
3. Govt. in Memo. 3rd read above, has obtained the remarks and records from the Collector and District Magistrate, Anantapur.
4. The case was posted for personal hearing on 8.9.2008 and re-posted the hearing on 23.9.2008 instead of 8.9.2008. After arguments of the it is observed that the grounds and arguments of appellant along with proceedings of the Collector and District Magistrate and available material it is found that :-
- i. As per G.O.Ms.No. 204, SW (J) Dept., dt. 23.9.1985, the competent authority for issue of ``Chalavadi'' (SC) caste certificate is the Revenue Officer not below the rank of RDO /Sub-Collector in whose jurisdiction the native place of the candidates is. As such the caste certificate as ``Chalavadi'' (SC), dated 15.1.1986 was obtained by the Appellant from the in-competent Officer i.e., Mandal Revenue Officer, Anantapur is not a valid document.
 - ii. As seen from the Govt.Service Register of late M.N. Narasimhapp-a (Father of the Appellant) his caste was written as ``Hindu Boya''. If the father of the Appellant belongs to Chalavadi (SC) as deposed by the Appellant, it would have been entered as `Chalavadi (SC) only and not `Hindu Boya' which come under BC. Because the father of the Appellant belongs to `Boya' the caste entry in his S.R. was written as `Boya'' only which come under BC.
 - iii. The appellant has committed himself in his deposition that he married ``Boya'' caste women in the year 1989 and his brother Sri Srinivasulu has also married ``Boya'' caste woman in the year 1992. It is a fact hat, they have been made marriage relations with `Boya' caste people only, since they are belonging to `Boya' caste only which comes under BC. Category.
 - iv. As per the instructions contained in Rule 9 (1) of SC/ST/VCs community certificate Rules, 1997, the Collector and District Magistrate, Anantapur has referred the case of the appellant to the DLSC, Anantapur to furnish its findings in the matter as there was complaint against his caste status. Basing on the recommendations of the DLSC and after careful examination of the Act and Rules, the report of RDO (competent authority for issue of `Chalavadi' caste certificate) Anantapur, the deposition given by the Appellant and other documentary evidences etc. only the CDM, Anantapur has

exercised the powers conferred under sub rule 7 of 9 of AP,SC,ST & BCs issue of community, Nativity and Date of Birth certificate Rules, 1997 (G.O.Ms.No.58, SW (J) Dept., dt. 12.5.1997) read with section 5 (1) of AP SC,ST & BCs regulation of issue of community certificates Act, 16/93 in finalizing the issue of the Appellant. Hence, the caste certificate of the Appellant was cancelled only as per law.

- v. The documents i.e. the academic certificates and affidavits of the members belonging to 'Chalavadi' community of Karnataka State submitted by the Appellant has been examined. The entries in the School records are entered only basing on the information given by the parents at the time of admission into the school. The same entry of community has been continued in all future studies of the Appellant. But, it is a fact that the authenticated entry of the caste of his father in service registered was entered as 'Boya' which comes under BC category. If, the father of the Appellant belongs to 'Chalavadi'(SC) community, the entry in the S.R. was also be made as 'Chalavdi (SC) only instead of Hindu-Boy (BC)

5. Government after thorough examination and exercise of the powers conferred under Section 7 (2) of Act 16/93, under Rules made there under as per G.O.Ms.No. 58, SW (J) Department, date 12.5.1997, the appeal petition filed by Sri M.C. Thirumala Raju,S/o. Late N. Narasimhappa, Asst. National Insurance Company Limited, Anantapur Dist. i.e. hereby rejected, up holding the proceedings of the District Collector, Anantapur Rc.No. MC3/232/2001, dt. 31.12.2006. The stay granted in reference 3rd read above is hereby vacated.

6. The records received from the Collector, Anantapur is return herewith and requested to acknowledge the receipt to Govt. immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V. NAGI REDDY,
PRINCIPAL SECRETARY TO GOVERNMENT.**

To

The Collector & District Magistrate,
Anantapur District.

Sri M.C. Tirumala Raju, S/o. Late Narasimhappa, Asst. National Insurance Company Ltd.,
Anantapur District, D.No.4/3/121/, Ballari Road, Anantapur,

The Managing Director, National Insurance Company Limited, Main Branch, Hyderabad
/Anantapur Dist.

The Commissioner of Social Welfare, A.P. Hyderabad.
SF/SCs.

//FORWARDED: BY ORDER//

SECTION OFFICER.